

JULY 16 2001

Expy
15IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIAFILED
HARRISBURG

CHARLES TISELEY

Petitioner,

SEP 1 2001

Civil Action No.

V.

MARY E. PANTHER
Per EJK Deputy Clerk

1:CV-00-2186

KATHLEEN ZWICKYNA, et al.,

Respondents.

BRIEF IN SUPPORT OF MOTION FOR APPOINTMENT OF COUNSEL

This case was filed nearly a year ago. Petitioner avers that he is beyond the maximum expiration date of all of his criminal terms.

Petitioner attached copies of his sentence orders to corroborate his assertions. It is the signed sentence orders that govern the sentences that he received from the court. Isabell, 467 A.2d 1287 (Pa. 1983). Only the sentencing court has authority to alter or modify his sentences. Com v. Ward, 568 A.2d 1242 (Pa. 1990). The fact that petitioner's terminal sentences were ordered to be partially concurrent and partially consecutive rendered them illegal. Ward, *supra*. The state waives any rights when it does not move to correct an illegal sentence within the prescribed time limit. Com v. Quinless, 639 A.2d 1235 (Pa. Super. 1994); Isabell, *supra* at 1292-93.

Despite that petitioner is in prison illegally, the court has refused to help him because he cannot afford an attorney.

Moreover, petitioner has a serious chronic medical condition and may be dying. His symptoms include vomiting, nausea, weakness, lack of concentration, abdominal pains, muscle pain, joint pain, migraines and chronic fatigue.

Petitioner is not permitted to receive any medical care for his condition. He has been denied care since 1998. Every day without treatment increases his probability of death. Petitioner

is a first time adult offender and has been in prison since the age of eighteen.

Petitioner's condition bars him from adequately representing himself. Moreover, petitioner is and has been in the hole and has no adequate access to legal material.

Wherefore the court should grant the motion

Respectfully submitted

Date: Sept 9, 2001

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